

## **REMARKS**

### **A. Status of the Application**

- Claims **69-71, 73-79, and 120-130** pending in the application, of which claims **69, 120** and **131** are independent claims.
- Claims **18-20, 22-28, 86-88, 90-96** are withdrawn.
- Claims **18-20, 22-28, 73, 76, 77, 90, 93** and **94** are amended.
- Claims **1-7, 21, 29-68, 72, 80-85, 89, 97-119** are cancelled.
- Claims **120-141** are newly added. No new matter has been introduced.

Accordingly, entry of the new claims and the amendments is respectfully requested. Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

### **B. Reopening of Prosecution**

By this paper, Applicants reopen prosecution and reply to the Final Action of August 27, 2009, and respectfully request reconsideration of the application. Applicants intend that the claims as now pending be interpreted under the ordinary interpretation understood in the art. Applicants hereby rescind, and no longer intend that the claims be limited by, any assertion, statement, argument, amendment or other action in this patent application, or any application whose file history is available for use in interpreting any patent issuing on this application, that might be taken to be a surrender or disclaimer of any subject matter from the scope of any claim. No such

assertion, statement, argument, amendment or any other action in this application or in any such available application should be taken as a surrender or disclaimer from, and may not be used to interpret, any claim of this patent, or any claim of any patent to which such Applicants' file histories may be pertinent.

Applicants hereby request that the Examiner re-visit any previous surrender, disclaimer or characterization of claims, and re-visit any prior art that may have been avoided or intended to be avoided by such surrender, disclaimer or characterization. In addition, a new search is requested.

C. Claim Rejections Under 35 U.S.C. § 103(a)

On page 3, the Examiner rejected claims **18-34** and **69-85** under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,618,707 ("Gary") in view of U.S. Publication No. 2002/0052827 ("Waelbroeck"). The rejection is moot in light of the claim amendments. For example, nowhere in the cited-portions of Gary or Waelbroeck is there a teaching or suggestion of the following limitation of independent claim **69**:

determining that a market center is able to fill the remaining quantity at the price desired by the user;  
determining that the market center has not exceeded a pre-determined maximum number of pending transactions;  
and  
routing the remaining quantity to a market center.

In a similar vein, the cited-portions of Gary and Waelbroeck do not teach or suggest the following limitations of independent claims , **120** and **131**:

determining, in response to the matching, that a first market center is able to fill the remaining quantity at the price desired by the user.  
determining that the first market center has exceeded a pre-determined maximum number of pending transactions;  
and

routing the remaining quantity to a second market center.

For at least these reasons, independent claims **69, 120** and **131** (and the claims that depend therefrom) are allowable.

**D. Conclusion**

Applicants hereby authorize the USPTO to communicate with any authorized representative concerning this application by electronic mail.

Applicants respectfully submit that the claims overcome the Examiner's rejections in the Final Action, and the claims are in condition for allowance. Applicants requests that the application be passed to issue in due course. The Examiner is urged to telephone the Applicants' undersigned attorney at the number noted below if it will advance the prosecution of this application, or with any suggestions to resolve any condition that would impede allowance.

Applicants' undersigned attorney can be reached at the address shown below. All communications should be directed to the undersigned at her direct line (857) 413-2056 or e-mail address: rma@cantor.com.

Respectfully submitted,

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